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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,843	01/04/2001	Enrique Posner	878-009	2684

7590

04/23/2004

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/754,843	ASDFEOE	
	Examiner	Art Unit	
	Romain Jeanty	3623	<i>ML</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the filing date of this application. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 11 recites "a method for tracking a performance of a vendor during a project". However, the body of the claim does not recite any step of tracking a vendor performance. Appropriate action is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 10(a) as being unpatentable Brown et al (U.S. Patent No. 6,115,641) in view of Bisdikian et al (U.S. Patent No. 5,974,406).

As per claims 1 and 11, Brown et al disclose a system comprising: a purchaser terminal; a

Art Unit: 3623

vendor terminal;

a means for storing scheduling data, said means configured to store a date (col. 6, lines 47-50); and

a processor coupled to said purchaser terminal and to said vendor terminal via Internet and further coupled to said scheduling data storage means (i.e. a data processing systems) (See Figure 4, element 110; col. 9, lines 52-65). However, Brown fails to disclose wherein said processor is configured to generate and transmit to said vendor terminal, on said date stored in said scheduling data storage means, a notification message, to receive in response thereto a response message from said vendor terminal, and to distribute said response message to said purchaser terminal. Bisdikian et al on the other hand, discloses a method for providing customized notification between a seller and a buyer (col. 8, lines 42-63). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have modified the disclosures of Brown to include the message notification system of Bisdikian et al. A person having ordinary skill in the art would have been motivated to such a modification in order to notifications to members of the system

As per claims 2 and 12, the system according to claim 1, wherein said scheduling data storage means comprises a plurality of dates, each said date corresponding to one of a plurality of events (col. 6, lines 62-64).

As per claims 3 and 13, Brown discloses the system according to claim 2, wherein said plurality of events corresponds to a plurality of deadlines in a project (i.e. a scheduled time for the project to be completed) (col. 9, lines 14-23).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-10 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al in view of Bisdikian and further in view of Powers (U.S. Patent No. 6,557,003).

As per claims 4-10 and 14-20, Brown et al and Bisdikian teach all of the limitations above except for the for storing contact information, storing contact information and transferring notification messages to the contacted information. Powers in the other hand, discloses the idea of storing contact information and the sending notification messages to based on events (col. 5 line 43 through col. 6 line 13). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Brown et al and to include the stored contact information and message notification of Powers and Bisdikian contact information with the motivation of notifying a purchaser when a commitment is to be fulfilled.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kennedy et al (U.S. Patent No. 6,055,519) disclose a computer-implemented method for providing negotiations and tracking of sales of goods.

b. Concklin (U.S. Patent No. 6,336,105) discloses allowing buyers and sellers to conduct negotiate contracts.

Art Unit: 3623

c. Concklin et al (U.S. Patent No. 6,338,050) disclose as system and method for providing user supplied context for a negotiations system

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, Seventh floor receptionist.



Romain Jeanty

Primary Examiner

Art Unit 3623

March 22, 2004